



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure for Applications for Summary Review of a Premises Licence and Review of Interim Steps

Introduction and Procedure Full Review S53C

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Maidstone Borough Council officers/managers
- The licence holder/s (and any representative)
- The applicant for review Kent Police (and any representative)
- Each responsible authority (and any representative)
- Each other person (and any spokesperson or representative)

ii) **Procedural Matters**

- **Procedure**

The Chairman will:

- Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- Explain that the sub-committee will allow all parties to put their case fully and make submissions, within a reasonable time frame.

- **Discussion and Questions**

The Chairman will:

- Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- Explain that the sub-committee will usually permit questions (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- Enquire whether draft conditions have been agreed between the licence holder/s and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- The Chairman will ask the legal advisor or housing & community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant for Review

- Opening remarks by the applicant for review Kent Police (or their representative).
- Evidence of the applicant for review and any witnesses.
- After each person has given evidence the person may be questioned by the licence holder/s, each responsible authority, other persons and sub-committee members.
- If necessary, the applicant for review (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- Opening remarks by the officer representing the responsible authority (or their representative).
- Evidence of the responsible authority officer and any witnesses.
- After each person has given evidence the person may be questioned by the applicant for review, the licence holder/s, each other responsible authority, other person and sub-committee member.

- If necessary, the officer (or their representative) may clarify any matter that arose during questioning.

iii) Other Persons

- Opening remarks by the other persons (or spokesperson/s/representative/s).
- Evidence of the other persons and any witnesses.
- After each person has given evidence the person may be questioned by the applicant for review, the licence holder/s, responsible authorities, each other person and sub-committee members.
- If necessary, the other person/s (or spokesperson/representative) may clarify any matter that arose during questioning.

iv) The Licence Holder/s

- Opening remarks by the licence holder/s (or their representative).
- Evidence of the licence holder/s and any witnesses.
- After each person has given evidence the person may be questioned by the applicant for review, each responsible authority, other person and sub-committee member.
- If necessary, the licence holder/s may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- The applicant for review (Kent Police)**
- Each responsible authority**
- Each other person**
- The licence holder/s**

End of Full Review Hearing

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the full review hearing.

- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the full review part of the hearing is closed.
- The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations.
- The Chairman will bring the full review part of the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.

The Decision on Full Review

The Chairman shall declare in public session:

- The sub-committee's determination on the full review.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. The decision of the sub-committee on the full review does not take effect until the period for appealing has ended, or if there is an appeal, upon completion of the appeal. Parties should be aware that the Magistrates' Court may make an order with respect to costs on any appeal.

PROCEDURE REVIEW OF INTERIM STEPS S 53 D

Review of interim steps taken by Sub Committee on 6 September 2019, to consider whether the steps are appropriate for the promotion of licensing objectives, consider any relevant representations and determine whether to withdraw or modify the interim steps taken.

The procedural matters from the full review will continue to apply and the order of procedure for the full hearing will be used for review of the interim steps commencing with,

- The Chairman will ask the legal advisor or housing & community services manager to briefly outline all representations regarding the interim steps.

And ending with,

- The Chairman will bring the interim steps review part of the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the

relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.

DECISION ON INTERIM STEPS REVIEW

The Chairman shall declare in public session

- The sub-committee's determination on the interim steps review.

- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
 - Any interim steps taken under s53D (3) today apply until the end of the period for appealing the s53C decision, (21days beginning with the day on which the appellant is notified of the Licensing Authority's written determination), and if there is an appeal of that decision the time when the appeal is disposed of, or the end of a period determined by the licensing authority, (which may not be longer than either of the above).

The Chief Officer of Police or the licence holder/s of the premises may appeal against the sub-committee's decision on interim steps within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court and must be heard within 28 days beginning with the day on which the appellant commenced the appeal. Parties should be aware that the Magistrates' Court may make an order with respect to costs on any appeal.

The Hearing is formally closed.